

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MARC SHELTON,

Plaintiff,

vs.

CAROLYN W. COLVIN,
Acting Commissioner of Social
Security,

Defendant.

[illegible]

Civil No. 16-cv-346-CJP¹

MEMORANDUM and ORDER

PROUD, Magistrate Judge:

This matter is now before the Court on defendant's unopposed Motion to Remand to the Commissioner. **(Doc. 22)**.

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. See, *Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corporation Comprehensive Disability Protection Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-303 (1993).

The parties agree that, on remand, the Administrative Law Judge will be directed to further consider the medical evidence of record including opinion

¹ This case was referred to the undersigned for final disposition upon consent of the parties, pursuant to 28 U.S.C. §636(c). See, Doc. 10.

evidence. The ALJ will also be directed to reevaluate plaintiff's residual functional capacity and, if warranted, obtain supplemental vocational expert testimony. After reevaluating the evidence, the ALJ will issue a new decision regarding the disability application.

For good cause shown, the parties' Joint Motion to Remand (**Doc. 22**) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Marc Shelton's application for social security benefits is **REVERSED and REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. §405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: September 14, 2016.

s/ Clifford J. Proud
CLIFFORD J. PROUD
UNITED STATES MAGISTRATE JUDGE